IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2547 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

DISTRICT EDUCATION OFFICER - Petitioner(s)
Versus
BHARATSINH BUDHSINH PATEL & 3 - Respondent(s)

==========

Appearance :
MS MAITHILI METHA, ASST. GOVERNMENT PLEADER for Petitioner(s) : 1,1.2.1
MR AD OZA for Respondent(s) : 1,
NOTICE SERVED for Respondent(s) : 2 - 4.

==========

CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 14/12/2006

ORAL JUDGMENT

1.By way of this petition under Articles 226 and 227 of the Constitution of India, the petitioner – State of Gujarat has challenged the judgment and order passed by

the Gujarat Secondary Education Tribunal, Ahmedabad, dated 5.12.1995 passed in Application No. 606 of 1995 by which, the respondent No.1 has been granted the benefit of surplus Teacher.

2.It appears that it was the contention on behalf of the petitioner that as per the Government Resolutions dated 24.5.1994 and 21.12.1994 as the respondent No.1 has not completed one year was not extended the benefit of surplus Teacher, however, it appears that immediately after the judgment and order dated 5.12.1995, the respondent No.1 has been absorbed as Peon in Navchetan English School, Bahi, Taluka Sahera, District Panchmahals, and the respondent No.1 working in the said school since 24.9.1996.

3.In view of the above, the question which is raised in the present Special Civil Application has become academic. Under the circumstances, without going into and deciding the larger question on merits as to whether the respondent No.1 could have been granted the benefit of surplus under the aforesaid resolutions or not, the present Special Civil Application is disposed of as the respondent No.1 has already been absorbed in another school as a Peon and he is working as such since 1996.

4.Rule is discharged. No costs.

[M.R.SHAH, J.]

kdc